

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>TRACY MARROW,</b>	:	
<b>Plaintiff</b>	:	
	:	<b>No. 1:19-cv-1690</b>
<b>v.</b>	:	
	:	<b>(Judge Rambo)</b>
<b>SUPERINTENDENT</b>	:	
<b>LAWLER, <i>et al.</i>,</b>	:	
<b>Defendants</b>	:	

**ORDER**

**AND NOW**, on this 20th day of August 2020, in accordance with the Memorandum accompanying this Order, **IT IS ORDERED THAT:**

1. Defendant Barkley's motion to dismiss (Doc. No. 45) is **GRANTED in part** and **DENIED in part**. The motion is **GRANTED** with respect to Plaintiff's damages claims against Defendant Barkley in her official capacity and his state law tort claims. The motion is **DENIED** with respect to Plaintiff's Eighth Amendment claim against Defendant Barkley in her individual capacity, as well as her official capacity to the extent Plaintiff seeks prospective injunctive and declaratory relief; and
2. Recognizing that all Defendants, including Defendant Barkley, filed an answer in the above-captioned case on August 5, 2020 (Doc. No. 49), the parties are directed to complete discovery by February 5, 2021.

/s/ Sylvia H. Rambo  
United States District Judge